

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

WEDGEWOOD HOME OWNERS ASSOCIATION, INC.

PLAINTIFF

VS.

NO. 05-03-0563 MM

SANDRA LAGASCA,

DEFENDANT

ORDER OF COMPROMISE AND SETTLEMENT

This cause came on to be heard upon order for trial setting in this matter. That both parties were present, the Plaintiff, represented by Clarence Carey, a duly authorized officer and representative of the Plaintiff corporation and its Attorney and the Defendant and her attorney. That the parties have reached a compromise settlement of their issues and the Court, after review of the premises, ratifies and approves the same.

It is therefore ordered, adjudged and decree as follows, to-wit:

1. That the Court has jurisdiction of the parties and the subject matter.

2. That this suit centers on restrictive covenants in effect on

**Lot 77, Section "D", Phase II, Wedgewood Farms Subdivision, located in Section 35, Township 1 South, Range 7 West, DeSoto County, Mississippi, as recorded in Plat Book 71, Pages 30-31 in the office of the Chancery Clerk of DeSoto County, Mississippi.**

3. That the Defendant agrees to take down the vinyl fence on her property on or before sixty (60) days from the date of this order.

3. That the Defendant will submit a plat of her lot with a drawn line showing the location of the fence, the height of the fence, and the materials for building the fence which shall be of wood similar to the surrounding fences in the subdivision. That these plans shall be submitted to the Architectural Review Committee in care of Clarence

**FILED**

**MAY 02 2006**

**W E DAVIS, CLERK**

Carey, current President of the Wedgewood Farms Homeowners Association at 6351 Carson Drive, Olive Branch, MS 38654, whose phone number is 662-895-8952. That approval of the same shall be processed as soon as possible so that the fence may be expediently replaced as soon as the other is removed and in any event well before the 60 day period set forth above has run. Should Architectural Committee approval be delayed, that the Defendants shall be given a reasonable time after such approval to remove her fence so that her yard will be unfenced for a minimal amount of time because of her pet animals that are kept in her back yard.

4. That each party shall bear their own attorney fees and costs.

5. The Parties have agreed that there exist written Architectural Guidelines and Resolutions in the possession of the Plaintiffs that the Plaintiffs assert are in effect at this time but that do not appear of record among the documents of the Chancery Clerk of DeSoto County, Mississippi. That it is these guidelines that are the subject of this litigation. Because these guidelines are subject to change by the Board of Directors of the homeowners association, the Board of Directors is reluctant to record them. However, both parties strongly agree that notice must be given of the existence and alleged applicability of these guidelines to help prevent and deter the need for future litigation of this issue that can be picked up in the search of title of lots in Wedgewood Farms Subdivision, Section D, Phase II, Plat Book 71, Pages 30-31, and any revision, alterations, modifications, etc thereof.

6. The Clerk of the Court is directed to record this Order among the deed records of DeSoto County, Mississippi and to place a notation of the same on the face of the plat of Wedgewood Farms Subdivision, Section "D", Phase II, in Plat Book 71, Pages

30-31 or any revision, alterations, modifications, etc thereof of said plat which may have occurred since that matter was filed.

7. If any lien and lis pendens has been filed, that the notice of record of such lien shall forthwith be cancelled upon the removal of the vinyl fence by the Defendant.

8. All other relief requested by either party not specifically set forth herein is denied.

Ordered, adjudged and decreed this the 2nd day of May 2006.

  
CHANCELLOR

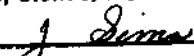
Approved as to form and content:

  
CHRISTIAN T. GOELDNER, Attorney for Plaintiff

  
CLARENCE CAREY, Plaintiff Representative and  
President of the Wedgewood Farms Homeowners Association, Inc.

  
LEIGH A. RUTHERFORD, Attorney for Defendant

  
SANDRA S. LAGASCA, Defendant

STATE OF MISSISSIPPI, COUNTY OF DESOTO  
I HEREBY CERTIFY that the above and foregoing is  
a true copy of the original filed in this office.  
This the 2nd day of May, 2006  
W.E. Davis, Clerk of the Chancery court  
By  D.C.